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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 CHERY FINNEY,

12 Plaintiff,

13 vs.

14 NAVAL CRIMINAL INVESTIGATION  
SERVICE

15 Defendant.  
16

CASE NO. 07cv1669-L (CAB)

**ORDER DENYING PLAINTIFF'S  
MOTION TO PROCEED *IN FORMA*  
*PAUPERIS***

17 Plaintiff Chery Finney filed a complaint pursuant to the Federal Tort Claims Act.  
18 Concurrently she filed a Motion and Declaration Under Penalty of Perjury in Support of  
19 Motion to Proceed *in Forma Pauperis* ("IFP Motion"). For the reasons which follow,  
20 Plaintiff's IFP Motion is **DENIED**.

21 All parties instituting any civil action, suit or proceeding in a United States District  
22 Court must pay a filing fee. *See* 28 U.S.C. § 1914(a). An action may proceed despite a  
23 plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed *in*  
24 *forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176,  
25 1177 (9th Cir. 1999). Plaintiff's declaration shows she is employed and owns valuable  
26 personal and real property. It appears Plaintiff has sufficient income and assets to pay the  
27 \$350 filing fee.

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1 Plaintiff's IFP Motion is therefore **DENIED**, and the complaint is **DISMISSED**  
2 without prejudice. Pursuant to this order, Plaintiff is granted 60 days' leave to pay the  
3 filing fee required to maintain this action pursuant to 28 U.S.C. § 1914.

4 **IT IS SO ORDERED.**

5  
6 DATED: September 5, 2007

7   
8 M. James Lorenz  
United States District Court Judge

9 COPY TO:

10 HON. CATHY ANN BENCIVENGO  
UNITED STATES MAGISTRATE JUDGE

11 ALL PARTIES/COUNSEL  
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